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Customer Number: 000959

**DIVISIONAL CONTINUATION APPLICATION TRANSMITTAL FORM  
UNDER RULE 1.53(b) (former Rule 1.60)**

13 U.S. 658969  
09/11/00

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/469,636	PRIOR APPLICATION FILING DATE: DECEMBER 22, 1999
ahn-001dv2	CLASS:	SUBCLASS:	EXAMINER:	ART UNIT: #70 KJ

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

6-7-01

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: September 11, 2000

Mailing Label Number: EL 011 359 942 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

*Vincent J. Cardoso*

Name of Person Mailing Paper

*Winfried Edelmann*

Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/469,636 filed on December 22, 1999, of Winfried Edelmann, Richard D. Kolodner, Jeffrey W. Pollard, and Raju S. Kucherlapati entitled MSH5 ABLATED MICE AND USES THEREFOR.

1.  Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
  - 22 page(s) of specification
  - 2 page(s) of claims
  - 1 page(s) of abstract
  - 8 sheet(s) of drawing (Figures 1-6)
  - 10 page(s) of an executed declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/469,636 as originally filed on December 22, 1999.

2.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3.  The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL *	13	MINUS **	20	=
INDEP. *	1	MINUS ***	3	=
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	Fee
x 9 =	\$ .00
x 39 =	\$ .00
+130 =	\$ .00
BASIC FEE	\$ .00
TOTAL	\$ .00

OR

OTHER THAN A SMALL ENTITY	
RATE	Fee
x 18 =	\$ .00
x 78 =	\$ .00
+ 260 =	\$ .00
BASIC FEE	\$ 690.00
TOTAL	\$ 690.00

OR

4.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5.  A check in the amount of \$690.00 is enclosed for payment of the filing fee.
6.  Cancel in this application original claims 1-14 and 18-21 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8.  Amend the specification by inserting before the first line the sentences: "This application is a divisional application of serial no. 09/469,636 filed on December 22, 1999, pending. The contents of all of the aforementioned application(s) are incorporated herein by reference." *B!*
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9.  Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10.  Transfer the drawings from the pending prior application to this application.

11.  Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.
- The certified copy will follow.

12.  The prior application is assigned of record to Albert Einstein College of Medicine of Yeshiva University and Dana-Farber Cancer Institute, Inc.
13.  A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. in order to establish copendency with the present application.

14.  Also enclosed is an Associate Power of Attorney (including Appendix A).

15.  The power of attorney in the prior application is to Amy E. Mandragouras.
- a.  The power appears in the original papers in the prior application.
  - b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c.  A new power has been executed and is attached.

16.  Address all future communications (May only be completed by applicant, or attorney or agent of record) to Amy E. Mandragouras at Customer Number: 000959 whose address is:

Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109

17.  Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18.  Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/469,636. Please use the computer readable form of application serial no. 09/469,636 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/469,636 are the same.

September 11, 2000

Maria C. Lacotrone, Ph.D.

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**Maria C. Laccotripe, Ph.D.**

## Agent for Applicants

Limited Recognition Under 37 C.F.R. 10.9(b)

**LAHIVE & COCKFIELD, LLP**  
28 State Street  
Boston, Massachusetts 02109  
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- inventor(s)  filed under §1.34(a)  
 assignee of complete interest  
 attorney or agent of record

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